

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation)
Against:)**

Zora S. Gill, M.D.)

File No. 800-2015-011775

**Physician's and Surgeon's)
Certificate No. A 38733)**

**Respondent)
_____)**

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on August 24, 2018.

IT IS SO ORDERED July 25, 2018.

MEDICAL BOARD OF CALIFORNIA

By:



**Ronald H. Lewis, M.D., Chair
Panel A**

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 STEVE DIEHL
Deputy Attorney General
4 State Bar No. 235250
California Department of Justice
5 2550 Mariposa Mall, Room 5090
Fresno, CA 93721
6 Telephone: (559) 705-2313
Facsimile: (559) 445-5106
7 *Attorneys for Complainant*

8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2015-011775

12 **ZORA S. GILL, M.D.**
3551 Q Street Suite 103
13 Bakersfield, CA 93301

OAH No. 2017120152

14 **Physician's and Surgeon's Certificate No. A**
38733

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15
16 Respondent.

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Xavier Becerra, Attorney General of the State of California, by Steve Diehl,
24 Deputy Attorney General.

25 2. Respondent Zora S. Gill, M.D. (Respondent) is represented in this proceeding by
26 attorney Benjamin Fenton, whose address is: 1990 South Bundy Drive, Suite 777, Los Angeles,
27 CA 90025.

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1 3. On or about July 12, 1982, the Board issued Physician's and Surgeon's Certificate
2 No. A 38733 to Zora S. Gill, M.D. (Respondent). The Physician's and Surgeon's Certificate was
3 in full force and effect at all times relevant to the charges brought in Accusation No. 800-2015-
4 011775, and will expire on June 30, 2020, unless renewed.

5 JURISDICTION

6 4. Accusation No. 800-2015-011775 was filed before the Board, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent on November 6, 2017. Respondent timely filed his Notice of
9 Defense contesting the Accusation.

10 5. A copy of Accusation No. 800-2015-011775 is attached as exhibit A and incorporated
11 herein by reference.

12 ADVISEMENT AND WAIVERS

13 6. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 800-2015-011775. Respondent has also carefully read,
15 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
16 Disciplinary Order.

17 7. Respondent is fully aware of his legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
19 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
20 to the issuance of subpoenas to compel the attendance of witnesses and the production of
21 documents; the right to reconsideration and court review of an adverse decision; and all other
22 rights accorded by the California Administrative Procedure Act and other applicable laws.

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 CULPABILITY

26 9. Respondent understands and agrees that the charges and allegations in Accusation
27 No. 800-2015-011775, if proven at a hearing, constitute cause for imposing discipline upon his
28 Physician's and Surgeon's Certificate.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

1. PUBLIC REPRIMAND

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 38733 issued to Respondent Zora S. Gill, M.D. is Publicly Reprimanded pursuant to California Business and

1 Professions Code section 2227, subdivision (a)(4). This Public Reprimand is issued in
2 connection with Respondent's care and treatment of two patients, as set forth in Accusation No.
3 800-2015-011775, as follows:

4 In or about January, 2015, you committed acts constituting a violation of Business and
5 Professions Code section 2266, in your care and treatment of patients D.W. and J.G., in that you
6 failed to adequately document your plan for postoperative management of these two patients.

7 **2. EDUCATION COURSE**

8 Within 60 calendar days of the effective date of this Decision, Respondent shall submit to
9 the Board or its designee for its prior approval educational program(s) or course(s) which shall
10 not be less than 20 hours. The educational program(s) or course(s) shall be aimed at correcting
11 any areas of deficient practice or knowledge and shall be Category I certified. The educational
12 program(s) or course(s) shall be at Respondent's expense and shall be in addition to the
13 Continuing Medical Education (CME) requirements for renewal of licensure. Following the
14 completion of each course, the Board or its designee may administer an examination to test
15 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65
16 hours of CME of which 20 hours were in satisfaction of this condition.

17 **3. RECORDKEEPING COURSE**

18 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a
19 course in medical record keeping approved in advance by the Board or its designee. Respondent
20 shall provide the approved course provider with any information and documents that the approved
21 course provider may deem pertinent. Respondent shall participate in and successfully complete
22 the classroom component of the course not later than six (6) months after Respondent's initial
23 enrollment. Respondent shall successfully complete any other component of the course within
24 one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense
25 and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of
26 licensure.

27 A medical record keeping course taken after the acts that gave rise to the charges in the
28 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board

1 or its designee, be accepted towards the fulfillment of this condition if the course would have
2 been approved by the Board or its designee had the course been taken after the effective date of
3 this Decision.

4 Respondent shall submit a certification of successful completion to the Board or its
5 designee not later than 15 calendar days after successfully completing the course, or not later than
6 15 calendar days after the effective date of the Decision, whichever is later.

7 **4. ENFORCEMENT**

8 Failure to participate in and successfully complete the Education Course and
9 Recordkeeping Course outlined above shall constitute unprofessional conduct and is grounds for
10 further disciplinary action.

11 ACCEPTANCE

12 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
13 discussed it with my attorney, Benjamin Fenton. I understand the stipulation and the effect it will
14 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
15 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
16 Decision and Order of the Medical Board of California.

17
18
19 DATED:

6/15/2018

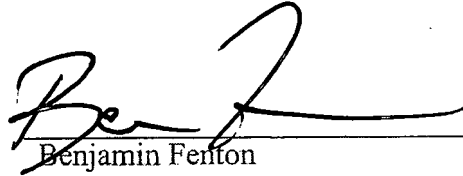
20 
ZORA S. GILL, M.D.

21 Respondent
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1 I have read and fully discussed with Respondent Zora S. Gill, M.D. the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4 DATED:

5 6/13/18

6 
Benjamin Fenton

7 *Attorney for Respondent*

8
9
10 ENDORSEMENT

11
12 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
13 submitted for consideration by the Medical Board of California.

14
15 Dated:

Respectfully submitted,

16 XAVIER BECERRA
17 Attorney General of California
18 MATTHEW M. DAVIS
Supervising Deputy Attorney General

19
20 STEVE DIEHL
21 Deputy Attorney General
22 *Attorneys for Complainant*

23
24 FR2017304708
25 Stipulated Settlement and Disciplinary Order v3.docx
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27
28

1 I have read and fully discussed with Respondent Zora S. Gill, M.D. the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4 DATED:

5 6/13/18

6 
Benjamin Fenton

7 Attorney for Respondent


8
9
10 ENDORSEMENT

11
12 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
13 submitted for consideration by the Medical Board of California.

14
15 Dated: 6/15/18

16 Respectfully submitted,

17 XAVIER BECERRA
18 Attorney General of California
19 MATTHEW M. DAVIS
20 Supervising Deputy Attorney General

21 
22 STEVE DIEHL
23 Deputy Attorney General
24 Attorneys for Complainant

25 FR2017304708
26 Stipulated Settlement and Disciplinary Order v3.docx
27
28

Exhibit A

Accusation No. 800-2015-011775

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 STEVE DIEHL
Deputy Attorney General
4 State Bar No. 235250
2550 Mariposa Mall, Room 5090
5 Fresno, CA 93721
Telephone: (559) 477-1626
6 Facsimile: (559) 445-5106
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO November 6, 2017
BY: [Signature] ANALYST

7
8 BEFORE THE
9 MEDICAL BOARD OF CALIFORNIA
10 DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 800-2015-011775

13 ZORA S. GILL, M.D.
14 3551 Q Street Suite 103
Bakersfield, CA 93301

ACCUSATION

15 Physician's and Surgeon's Certificate No.
A 38733,

16 Respondent.

17 Complainant alleges:

18 PARTIES

19 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Director of the Medical Board of California, Department of Consumer
21 Affairs (Board).

22 2. On or about July 12, 1982, the Medical Board issued Physician's and Surgeon's
23 Certificate Number A 38733 to Zora S. Gill, M.D. (Respondent). The Physician's and Surgeon's
24 Certificate was in full force and effect at all times relevant to the charges brought herein and will
25 expire on June 30, 2018, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board, under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2227 of the Code states:

2 “(a) A licensee whose matter has been heard by an administrative law judge of the Medical
3 Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default
4 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary
5 action with the board, may, in accordance with the provisions of this chapter:

6 “(1) Have his or her license revoked upon order of the board.

7 “(2) Have his or her right to practice suspended for a period not to exceed one year upon
8 order of the board.

9 “(3) Be placed on probation and be required to pay the costs of probation monitoring upon
10 order of the board.

11 “(4) Be publicly reprimanded by the board. The public reprimand may include a
12 requirement that the licensee complete relevant educational courses approved by the board.

13 “(5) Have any other action taken in relation to discipline as part of an order of probation, as
14 the board or an administrative law judge may deem proper.

15 “(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical
16 review or advisory conferences, professional competency examinations, continuing education
17 activities, and cost reimbursement associated therewith that are agreed to with the board and
18 successfully completed by the licensee, or other matters made confidential or privileged by
19 existing law, is deemed public, and shall be made available to the public by the board pursuant to
20 Section 803.1.”

21 5. Section 2234 of the Code, states:

22 “The board shall take action against any licensee who is charged with unprofessional
23 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
24 limited to, the following:

25 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
26 violation of, or conspiring to violate any provision of this chapter.

27 “(b) Gross negligence.
28

1 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
2 omissions. An initial negligent act or omission followed by a separate and distinct departure from
3 the applicable standard of care shall constitute repeated negligent acts.

4 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate
5 for that negligent diagnosis of the patient shall constitute a single negligent act.

6 “(2) When the standard of care requires a change in the diagnosis, act, or omission that
7 constitutes the negligent act described in paragraph (1), including, but not limited to, a
8 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the
9 applicable standard of care, each departure constitutes a separate and distinct breach of the
10 standard of care.

11 “(d) Incompetence.

12 “(e) The commission of any act involving dishonesty or corruption which is substantially
13 related to the qualifications, functions, or duties of a physician and surgeon.

14 “(f) Any action or conduct which would have warranted the denial of a certificate.

15 “(g) The practice of medicine from this state into another state or country without meeting
16 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not
17 apply to this subdivision. This subdivision shall become operative upon the implementation of the
18 proposed registration program described in Section 2052.5.

19 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
20 participate in an interview by the board. This subdivision shall only apply to a certificate holder
21 who is the subject of an investigation by the board.”

22 6. Section 2266 of the Code states: “The failure of a physician and surgeon to maintain
23 adequate and accurate records relating to the provision of services to their patients constitutes
24 unprofessional conduct.”

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Repeated Negligent Acts)**

3 7. Respondent Zora S. Gill, M.D. is subject to disciplinary action under section 2234,
4 subdivision (c), in that he engaged in repeated acts of negligence. The circumstances are as
5 follows:

6 **Circumstances Related to Patient D.W.**

7 8. On or about January 2, 2015, Respondent performed an aorto-bi-femoral bypass
8 operation on D.W., a 39 year old woman suffering from severe thrombotic disease involving the
9 infrarenal abdominal aorta. The operation was performed within the standard of care. However,
10 the patient returned to the operating room the following day, suffering from postoperative
11 bleeding. Prior to Respondent's intervention, the patient required mechanical ventilation, and
12 suffered from multiple life-threatening post-operative complications including multisystem organ
13 failure related to hypovolemic shock. Respondent performed reinforcement of proximal
14 anastomosis to control the hemorrhage, and restored flow to the lower extremities by
15 thrombectomy. Subsequent to this second surgery, the patient required multiple additional
16 procedures performed by Respondent and others to manage her many postoperative
17 complications, including but not limited to respiratory failure requiring mechanical ventilation,
18 renal failure requiring dialysis, sepsis managed by infectious disease specialists, and coagulopathy
19 requiring massive transfusions.

20 9. The standard of care requires a physician performing a procedure to continue to care
21 for a patient for the duration of the patient's postoperative recovery. This care is important to
22 prevent complications and/or to address them in an appropriate and timely fashion. The standard
23 of care requires the surgeon who performs a procedure to assemble and coordinate the care
24 provided by other specialists to manage postoperative complications.

25 10. Respondent failed to document any adequate progress note which explained the
26 patient's postoperative complications and Respondent's plan for their management. Respondent
27 failed to take responsibility for the postoperative management of patient D.W. by coordinating the
28 care provided by other specialists. Respondent delayed his intervention to manage the patient's

1 postoperative bleeding. These failures collectively and individually represent acts amounting to
2 negligence.

3 Circumstances Related to Patient J.G.

4 11. On or about January 6, 2015, Patient J.G., a 32 year old woman, began to develop
5 concerning signs and symptoms following an elective colostomy reversal performed by
6 Respondent. The signs and symptoms included persistent abdominal pain, nausea, and low grade
7 postoperative fever. A diagnostic CT scan performed on or about January 10, 2015, showed gas-
8 containing fluid in the upper pelvis concerning for abscess, and additional small fluid collections
9 in the cul-de-sac of the pelvis that could represent ovarian cysts but were concerning for smaller
10 abscesses.

11 12. On or about January 11, 2015, a radiologist attempted to place a drain percutaneously
12 for management of the intraabdominal abscess at Respondent's request, but was unable to do so.
13 Respondent's progress notes following this attempted intervention are unclear. The patient
14 continued to experience intermittently uncontrolled abdominal pain. An infectious disease
15 specialist administered intravenous antibiotics. Respondent ordered lactulose on or about January
16 16, 2015, but failed to specify his reason for doing so in his progress note.

17 13. On or about January 17, 2015, Respondent noted that the patient's temperature had
18 increased to 103 degrees and her white blood cell count (WBC) was elevated. Respondent noted
19 that the patient was "doing well until [she] had a lot of BM following lactulose." He then wrote
20 "is the fever and increased WBC related to this or not?" Respondent noted a plan to "watch for
21 increasing temperature and WBC" which might require "very aggressive treatment, e.g., drain
22 pelvic abscess." The same day, Respondent ordered a repeat CT scan, which showed a large
23 abscess in the mid-pelvis, increased from the prior study.

24 14. On or about January 18, 2015, Respondent performed an exploratory laparotomy with
25 lysis of adhesions, irrigation and drain placement for drainage of the patient's pelvic abscess.
26 However, the patient did not improve, and a second surgeon took over care of the patient.

27 15. The standard of care for management of an intraabdominal abscess in the early
28 postoperative period allows for antibiotic therapy with or without percutaneous drain placement,

1 or surgical intervention with abscess debridement, drain placement, revision of the anastomosis or
2 takedown of the anastomosis and diversion by colostomy. Management and decision making in
3 this context are guided by the patient's clinical condition and risk factors.

4 16. Patient J.G. had multiple risk factors for postoperative leak and anastomotic
5 breakdown, and postoperative leak was suggested clinically and radiographically. Under such
6 circumstances, surgical intervention was indicated. Respondent delayed surgical intervention
7 from January 11, 2015, when percutaneous drainage failed, until January 18, 2015. This delayed
8 intervention represents an act amounting to negligence.

9 17. The standard of care requires physicians to keep timely, accurate, and legible medical
10 records. Respondent's handwritten daily progress notes are only partially legible. Respondent's
11 failure to keep legible records represents an act amounting to negligence.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Recordkeeping)**

14 18. Respondent Zora S. Gill, M.D. is subject to disciplinary action under section 2266 in
15 that he kept inadequate medical records. The circumstances are set forth in paragraphs 8 through
16 17, above, which are incorporated here by reference.

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Medical Board of California issue a decision:

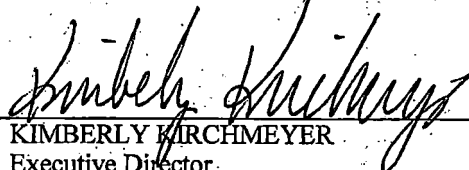
4 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 38733,
5 issued to Zora S. Gill, M.D.;

6 2. Revoking, suspending or denying approval of Zora S. Gill, M.D.'s authority to
7 supervise physician assistants and advanced practice nurses;

8 3. Ordering Zora S. Gill, M.D., if placed on probation, to pay the Board the costs of
9 probation monitoring; and

10 4. Taking such other and further action as deemed necessary and proper.

11
12 DATED: November 6, 2017


13 KIMBERLY KIRCHMEYER
14 Executive Director
15 Medical Board of California
16 Department of Consumer Affairs
17 State of California
18 Complainant

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